

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**VIRNETX INC. AND
LEIDOS, INC.,**

Plaintiffs,

v.

APPLE INC.,

Defendant.

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Civil Action No. 6:12-cv-855-RWS

JURY TRIAL DEMANDED

DEFENDANT APPLE INC.'S TRIAL WITNESS LIST

Pursuant to the Court's Discovery Order and Docket Control Order entered in this action, Defendant Apple Inc. ("Apple") hereby respectfully submits its Trial Witness List for identification and categorization of trial witnesses. Apple includes in this trial witness list individuals who may be listed on Plaintiffs' opening and rebuttal witness lists without waiving any right to object to Plaintiffs' presentation of such witnesses at trial, without waiving any objections to the admissibility of any such testimony, and without waiving the right to move for the exclusion of any testimony. Apple's trial witness list relates to the current action (6:12-cv-855-RWS) only. Apple expressly reserves the right to modify, supplement, or amend this trial witness list in response to Plaintiffs' witness lists, or any other circumstances that may occur between now and the conclusion of trial, to the extent permitted by the Federal Rules of Civil Procedure, by the Local Rules, or by other Order of this Court.

At this time, Apple identifies the following witnesses for trial:¹

¹ To the extent a witness is not available to offer live testimony, Apple may present deposition testimony for each such respective witness irrespective of whether the witness is designated as may call by deposition.

Liability & Damages Phases:

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
W. Christopher Bakewell Employer: Duff & Phelps Topic: Damages	X		
Matthew Blaze Employer: University of Pennsylvania Topic: Non-Infringement; Patents-in-Suit; Technology-in-Suit; Accused Products	X		
E. Deborah Jay Employer: Field Research Corporation Topic: Damages	X		
Darin Adler Employer: Apple Inc. Topic: Accused Products		X	
Russell Binns Employer: Allied Security Trust Licensing; Communications with VirnetX		X	
Deidre Caldbeck Employer: Apple Inc. Topic: Accused Products		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Donald Foley Employer: Leidos, Inc.; Martingale Consulting Topic: SAIC/Leidos; VirnetX; Patents-in-Suit; Technology-in-Suit		X	
Thomas Jansen Employer: Crissy Field GmbH Topic: Accused Products		X	
Michael Jaynes Employer: Apple Inc. Topic: Finance		X	
Gerald Kenney Employer: Unisys Licensing; Communications with VirnetX		X	
Toby Kusmer Employer: McDermott Will & Emery LLP Topic: Patent Prosecution		X	
Kendall Larsen Employer: VirnetX, Inc. Topic: VirnetX; Licensing; Patents-in-Suit; Technology-in-Suit		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Victor Larson Employer: VirnetX, Inc. Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
Sameer Mathur Employer: VirnetX, Inc. Topic: VirnetX; Licensing; Patents-in-Suit; Technology-in-Suit		X	
Daniel McFadden Employer: University of California, Berkeley; University of Southern California; The Brattle Group Topic: Damages		X	
Heather Mewes Employer: Apple Inc. Topic: Licensing		X	
Edmund Colby Munger Employer: Retired Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
Simon Patience Employer: Retired Topic: Accused Products		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Robert Short Employer: VirnetX, Inc. Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
John Stauffer Employer: Apple Inc. Topic: Accused Products		X	
Gokul Thirumalai Employer: Apple Inc. Topic: Accused Products		X	
Michael Williamson Employer: VirnetX, Inc. Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
Jamie Wood Employer: Apple Inc. Topic: Accused Products		X	
Justin Wood Employer: Apple Inc. Topic: Accused Products		X	
Andy Yang Employer: Apple Inc. Topic: Accused Products		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Joe Abuan Employer: Apple Inc. Topic: Accused Products			X
Chris Becherer Employer: Rdio Topic: Accused Products			X
William Becker Employer: SafeNet, Inc. Topic: Licensing; Communications with VirnetX			X
Darryl Bleau Employer: Apple Inc. Topic: Accused Products			X
George Bonanto Employer: Google Inc. Topic: Communications with VirnetX			X
Mark Buckley Employer: Unknown Topic: Finance			X
Adam Bulakowski Employer: ipCapital Group Topic: Services provided to VirnetX			X

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Jeremy Butcher Employer: Apple Inc. Topic: Accused Products			X
Frank Casanova Employer: Apple Inc. Topic: Accused Products and Corporate History			X
Patrick Gates Employer: Apple Inc. Topic: Accused Products			X
John Glancy Employer: Unknown Topic: SAIC/Leidos; Technology-in- Suit			X
Jurgen Gobien Employer: Leidos, Inc. Topic: SAIC/Leidos; VirnetX; Technology-in-Suit			X
Edward Hendrick Employer: Unknown Topic: SAIC/Leidos; Technology-in- Suit			X

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Michael Lachuk Employer: Leidos, Inc. Topic: SAIC/Leidos; VirnetX; Patents-in-Suit; Technology-in-Suit			X
Robert Moline Employer: PricewaterhouseCoopers LLP Topic: Finance			X
Kevin Raidy Employer: Cowen & Co. Topic: Services provided to VirnetX			X
Art Rangel Employer: Retired Topic: Accused Products			X
Jeffrey Risher Employer: Tesla Topic: Licensing			X
Ronak Shah Employer: Apple Inc. Topic: Accused Products			X
Erik Strahm Employer: Apple Inc. Topic: Accused Products			X

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Giovanni Tobia Employer: Aastra Technologies Ltd.; Aastra U.S.A. Topic: Licensing; Communications with VirnetX			X
Andrew Vyrros Employer: Unknown Topic: Accused Products			X
Jon Weaklend Employer: VirnetX, Inc. Topic: Finance			X
Kevin Wells Employer: Unknown Topic: Accused Products			X
Barry Whitebook Employer: Unknown Topic: Accused Products			X
Gregory Wood Employer: VirnetX, Inc. Topic: VirnetX Business Operations			X

Bifurcated Willfulness Trial:

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Darin Adler Employer: Apple Inc. Topic: Accused Products; No Willful Infringement		X	
Matthew Blaze Employer: University of Pennsylvania Topic: Patents-in-Suit; Technology-in-Suit; Accused Products; No Willful Infringement		X	
Thomas Jansen Employer: Crissy Field GmbH Topic: Accused Products; No Willful Infringement		X	
Mark Jones Employer: Virginia Tech Topic: Patents-in-Suit; Technology-in-Suit; Accused Products; No Willful Infringement		X	
Jeffrey P. Kushan Employer: Sidley Austin LLP Topic: Patents-in-Suit; Patent Office Proceedings; No Willful Infringement		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Simon Patience Employer: Retired Topic: Accused Products; No Willful Infringement		X	
John Stauffer Employer: Apple Inc. Topic: Accused Products; No Willful Infringement		X	
Gokul Thirumalai Employer: Apple Inc. Topic: Accused Products; No Willful Infringement		X	
Lee Van Pelt Employer: Van Pelt, Yi & James LLP Topic: Non-infringement opinions of counsel; No Willful Infringement		X	
Jamie Wood Employer: Apple Inc. Topic: Accused Products; No Willful Infringement		X	
Justin Wood Employer: Apple Inc. Topic: Accused Products; No Willful Infringement		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Andy Yang Employer: Apple Inc. Topic: Accused Products; No Willful Infringement		X	

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Apple reserves the right to call any witness appearing on any opening or rebuttal trial witness lists of Plaintiffs VirnetX, Inc. or Leidos, Inc.

Dated: January 22, 2018

Respectfully submitted,

By: /s/ Joseph A. Loy

Gregory S. Arovas
greg.arovas@kirkland.com
Robert A. Appleby
robert.appleby@kirkland.com
Jeanne M. Heffernan
jeanne.heffernan@kirkland.com
Joseph A. Loy
joseph.loy@kirkland.com
Leslie M. Schmidt
leslie.schmidt@kirkland.com
David N. Draper
david.draper@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Akshay S. Deoras
akshay.deoras@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Michael E. Jones, *Lead Attorney*
Texas Bar No. 10969400
mikejones@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College Avenue, Suite 500
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846

ATTORNEYS FOR APPLE INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 22, 2018.

/s/ Joseph A. Loy

Joseph A. Loy